

BOARD OF POLICE COMMISSIONERS

Minutes of the Board of Police Commissioners Meeting Thursday, September 25, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, September 25, 2003, at 3:00 p.m., at the Police Headquarters, 1300 Beaubien, Room 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Willie E. Hampton
Arthur Blackwell, II
Erminia Ramirez **(ABS)**
Edgar L. Vann, Jr.
Megan Norris

Department Personnel Present

AC Bully-Cummings
AC Walter Shoulders
DC Cureton
Cmdr. Willie Burden
Cmdr. Powers
Insp. Lee
Lt. T. Quinn
Lt. O'Neill
Lt. J. Autrey
Lt. R. Nolan
Sgt. K. Williams
Sgt. G. Franklin
Sgt. Bennett
PO W. Huggins
PO Ivette Reed
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Exec. Director
Denise R. Hooks, Attorney/Supv. Investigator **(ABS)**
Arnold Sheard, Interim Chief Investigator
E. Lynise Bryant-Weekes, Personnel Director

OTHERS PRESENT

Carol Bogden
Mr. Craccioholo
Ben Schmidt

RECORDERS

Jerome Adams
Felicia Hardaway
Kellie Williams

1. CALL TO ORDER

Chairperson Hampton called the regular meeting of the Detroit Board of Police Commissioners to order at 3:12 p.m.

2. APPROVAL OF MINUTES

Tabled until next board meeting.

3. REPORT FROM THE CHAIR

September 16, 2003

Board of Police Commissioners
1300 Beaubien
Room 328
Detroit, Michigan 48226

RE: RECOMMENDATION FOR EXECUTIVE APPOINTMENTS

Dear Board Members:

The men and women of the Detroit Police Department increasingly continue to remain committed to providing the citizens, businesses and visitors of the city of Detroit with the highest degree of professional police service. The managerial level of the Detroit Police Department are demanding positions that must be held

by innovative, skilled and proven leaders who have demonstrated a commitment to, and a belief in serving the community.

Competent, committed, and courageous members who possess the skills to influence and encourage transformation are who the Leadership Team and I looked for in selecting the most qualified candidates. Therefore, I am submitting the following members for executive appointments to the rank of Inspector, to be effective September 26, 2003:

APPOINTMENT TO THE RANK OF INSPECTOR

LIEUTENANT TROY M. QUINN

Lieutenant Troy M. Quinn was appointed to the Detroit Police Department on January 21, 1974. During his tenure in the Detroit Metropolitan Police Academy, he finished in the top ten of his class scholastically. As a police officer, Lieutenant Quinn worked the following precincts, sections, and units: Tenth Precinct, Fourteenth Precinct, and Chief's Staff Division.

In January of 1983, Lieutenant Quinn was promoted to the rank of sergeant and assigned to the Fourteenth Precinct Investigative Operations Section. In June of 1986, he was assigned to the Youth Crime Unit, Special Crimes Section where he was the Officer in Charge of the Investigative Operations Unit. In July of 1995, he was promoted to the rank of lieutenant and was assigned to the Sixth Precinct. In July of 1996, he was assigned as the Commanding Officer of the Recruiting Unit.

In January of 1997, Lieutenant Quinn was assigned to the Twelfth Precinct where he worked as both a shift commander and administrative lieutenant. In August of 1998, he was assigned as the Commanding Officer of the Traffic Administration Unit, where he is currently assigned.

Lieutenant Quinn received an Associate of Arts degree in Criminal Justice from Wayne County Community College in April of 1977. He received his Bachelor of

Arts degree in Criminal Justice Administration with a minor in Industrial and Institutional Security in June of 1983, from Mercy College of Detroit, graduating with honors. Lieutenant Quinn was awarded his Masters of Liberal Studies degree with a minor in Interdisciplinary Technology from Eastern Michigan University in June of 2000.

Lieutenant Quinn is a graduate of the Northwestern University School of Police Staff and Command, he is also a graduate of the 210th Session of the FBI National Academy.

LIEUTENANT DANIEL J. O'NEILL

On January 13, 1986, Lieutenant Daniel J. O'Neill was appointed to the Detroit Police Department. On May 9, 1986, he graduated from the Detroit Metropolitan Police Academy as the Top Scholastic Achiever in recruit Class 86-G. With a scholastic average of 90.79. Lieutenant O'Neill was the recipient of the Detroit Police Officer's Association Award for Scholastic Excellence.

Upon graduating from the Academy, Lieutenant O'Neill's assignments included the Second Precinct, Harbor Master Unit, and Tactical Services Section. On July 28, 1990, he was assigned to the Special Response Team (S.R.T.), where he received six hundred-forty (640) hours of tactical, firearms, and special equipment training during the completion of the State of Michigan's "Policing of Terrorist Incidents" program. This assignment included response to armed barricaded gunperson scenes/hostage situations, executing high-risk search/arrest warrants, surveillance operations, dignitary/executive protection, and community policing.

Lieutenant O'Neill was promoted to the rank of sergeant on July 6, 1995. As a sergeant, he was assigned as a shift supervisor at the Tactical Services Section until being assigned as an S.R.T. Team Leader from October 24, 1995, through January 21, 1999. His duties included supervising a tactical entry team, coordinating/planning all tactical missions, preparing operation orders, performing administrative duties, and periodically filling as the Officer in Charge of the command.

Lieutenant O'Neill was promoted to the rank of lieutenant on January 22, 1999. He was subsequently assigned as the S.R.T. Operations Supervisor from January 22, 1999 through August 4, 2002. His duties included serving as a raid commander for all raids and tactical situations, coordinating and planning all tactical missions, advising Department Executives at emergency/critical incident situations, implementing a community relations program for the command, and monitoring, directing, and training section supervisors.

Lieutenant O'Neill was assigned to his current position as the Commanding Officer of the Special Response Team on August 5, 2002. During his career, Lieutenant O'Neill has been lauded with numerous meritorious service awards, including a Purple Heart/Wound Citation and Medal, three Departmental Citations, three Medals of Valor, and the Walter Scott Distinguished Service Award. However, Lieutenant O'Neill's most rewarding accomplishment is his role in helping to establish the S.R.T. as a disciplined and reliable resource of the

Detroit Police Department, which has achieved a nationally recognized reputation of peacefully resolving hazardous, critical incident situations. His most challenging assignments have been in coordinating and planning the Metropolitan Division's Mass Critical Incident scenarios, which have been ongoing since 1999.

Currently, Lieutenant O'Neill is enrolled in Eastern Michigan University's Master of Liberal Arts graduate program. He graduated from Wayne State University, earning a Bachelor of Science degree in Criminal Justice with a minor in Sociology. Lieutenant O'Neill is a graduate of Eastern Michigan University's School of Police Staff and Command.

LIEUTENANT JOHN H. AUTREY

Lieutenant John H. Autrey is a thirty-year veteran of the Detroit Police Department. During this time he has achieved an extensive background in crime prevention, narcotics enforcement, internal affairs investigations and proactive police patrol methods. Lieutenant Autrey is a graduate of the 167th session of the F.B.I. National Academy and has obtained the certification of Certified Protection Professional (CPP), a board certified security professional. He has also completed the Northwestern University School of Police Staff and Command.

In 1994, Lieutenant Autrey while Commanding Officer of the Crime Prevention Section developed the Business Police Academy and Citizens' Police Academy. The Business Academy is the Department's first crime prevention program that specifically addressed the needs of business owners in the city of Detroit.

Both programs linked precinct crime prevention officers with local government officials, community leaders and business owners.

Lieutenant Autrey is currently assigned to Gaming Operations. As a member of the Gaming Operations implementation team he traveled to Las Vegas, Nevada and Atlantic City, New Jersey. In both cities, he met with law enforcement officers, casino security supervisors and local government officials to determine the social problems and crime issues related to casino gaming. Upon returning to Detroit, team members implemented a security plan that prevented any significant crime related issues in the area of the three temporary casinos.

Subsequently, in the year 2002, the casinos had gross profits of over one billion dollars and paid over one hundred million dollars in city taxes.

Lieutenant Autrey has received several civic awards for his involvement with troubled youth. Lieutenant Autrey is married and has two adult children. He holds a Doctor of Education degree from Wayne State University.

The efforts of the above members of the Detroit Police Department reflect that they are committed to the vision of the city of Detroit and the Department. They have consistently strived to provide the citizens of the city of Detroit with professional, police service. To that end, I am asking your concurrence in the appointment of these members to the rank of Inspector.

Should you have any questions or comments, please do not hesitate to give me a call, at your convenience.

JERRY A. OLIVER, SR.
Chief of Police

JAO/SFF/mm

MOTION: Comm. Norris made the motion to approve the Executive Appointments to the rank of Inspector.

SECOND: Comm. Vann seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. SECRETARY REPORT – EXEC. DIR. GOSS

Suspension

On September 25, 2003, **Sergeant Elgin Murphy**, badge S-810, assigned to the Office of the Chief Investigator, was suspended without pay by Chief Jerry A. Oliver, Sr.

On August 12, 2003, the Professional Accountability Bureau was notified of an alleged act of misconduct on the part of Sgt. Murphy. More specifically, it

was alleged that while off-duty, Sgt. Murphy did slam his seventeen (17) year old stepson against the wall, choke him, and punch him multiple times about the face and rib area.

According to the Preliminary Complaint Records, the following occurred:

On August 6, 2003, at approximately 9:30 p.m., Sgt. Murphy's stepson was in his bedroom, located at his residence within the city of Detroit, when Sgt. Murphy entered the bedroom and questioned him regarding food therein. After the conversation, Sgt. Murphy slammed his stepson against the wall, choked him, punched him on the right side of his face and punched him several times in the ribs with a closed fist. Sgt. Murphy's stepson was subsequently treated at Botsford General Hospital Emergency room and diagnosed with a ruptured right eardrum.

On August 13, 2003, felony/misdemeanor warrant #03-63978 was issued charging Sgt. Murphy with "Second Degree Child Abuse, Aggravated Domestic Violence and Domestic Violence."

On August 18, 2003, Sgt. Murphy was arraigned in 36th District Court before Magistrate Steven Lockhart. He stood mute and a plea of not guilty was entered on his behalf. He was released on a \$50,000.00 personal bond with a no contact provision with the complainant. His preliminary examination was scheduled for August 28, 2003, however it has been adjourned to October 2, 2003.

Based on the above circumstances, it is recommended that Sgt. Murphy be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT, UNPROFESSIONAL/CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF DETROIT POLICE MANUAL SERIES 102.3-5.7, SECTION 3.

Exec. Dir. Goss asked if there were any Attorneys present on behalf of Sgt. Murphy?

Unless contravened by this Commission, the above suspension without pay will stand.

CITIZEN COMPLAINTS RECEIVED

This Week

Year to Date

Weekly Count of Complaints: **12** **863**

Weekly Count of Allegations: **17** **1,816**

Arrest	0	81
Demeanor	6	560
Entry	0	36
Force	2	142
Harassment	2	62
Procedure	5	632
Property	0	87
Search	0	59
Service	2	156

Pending Cases

As of September 24, 2003, 2003, the Office of the Chief Investigator (OCI) has a total of **661 pending cases**, which include **145 cases** with an age of 0-45 days, **46 cases** with an age of 46-60 days, **148 cases** with an age of 61-90 days, and **102 cases** with an age of 91-120 days, **135 cases** with an age of 121 days – 6 months, and **85 cases** with an age of 7-9 months.

2002

During the past week: 28 Year to Date: 817

5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT **MIND'N OUR BUSINESS**

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of September 17th-23rd, 2003.

ORGANIZED CRIME AND GANG DIVISION

The Conspiracy Intelligence, South-East, North-West and Vice Sections conducted six enforcement actions that resulted in (7) felony and (64) misdemeanor arrests. These enforcement actions resulted in the confiscation of 258.5 grams of cocaine, 7 grams of heroin and 186,040.5 grams of marijuana, with a street value of \$860,162.00. \$2,737.00 in U.S. currency, (29) Vehicles, (2) guns, (150) bottles of assorted liquors and beers were confiscated and (60) miscellaneous ordinances were issued from these enforcement actions.

FIFTH PRECINCT

On September 19, 2003, officers of the Fifth Precinct were flagged down at E. Warren near Algonquin by a female screaming for help. Upon further investigation, the officers were informed, by the complainant that she and her toddler were just robbed at gunpoint. The complainant also identified the two subjects that were still in the immediate vicinity. The officers apprehended both assailants and all of the complainant's items were recovered. The assailants were arrested and conveyed to the precinct without incident.

TWELFTH PRECINCT

On September 20, 2003, officers of the Twelfth Precinct responded to a police run at Puritan and Linwood on a stabbing. The complainant was stabbed multiple times and she was conveyed by EMS to Grace Hospital. Before being transported she provided information regarding her assailant to the officers at the location. Upon further investigation, the officers were able to obtain an address for the assailant. The officers made the location and identified the wanted subject and the vehicle he was driving. The assailant was arrested and conveyed to the precinct without incident.

6. PRESENTATION – ANGEL'S NIGHT BRIEFING

The presentation has been cancelled and will be rescheduled.

7. OTHER BUSINESS

Comm. Norris stated that Comm. Ramirez is in the hospital this week having scheduled testing for health problems she is having and we wish her well.

AC Bully-Cummings invited the Board of Police Commissioners and the audience to attend the Promotional Ceremony honoring the newly

appointed Lieutenants and Sergeants, and the recently appointed Inspectors and Commander, on Friday, September 26, 2003 at 6 p.m., to be held at Cobo Hall.

8. ORAL COMMUNICATION FROM THE AUDIENCE

Carol Bogden, Coalition Against Police Brutality, states that she and other members of her family have electrical implants in their bodies. Her complaint was against Chief Oliver for not taking the Taser demonstration properly like he said. He did not go through what a citizen would through. Her concern regarding the Taser demonstration was that a Cardiologist or Neurologist was not present to explain what happens to the body when they are tased.

Comm. Hampton stated we will have a public meeting and we will invite the public so that we may have comments from the public pertaining to the Taser. We will consider having someone there who will be able to make intelligent decisions and the policies if it is adopted and have that present also. If you have a complaint with this department, you should see Chief Investigator Arnold Sheard.

Mr. Craccioholo addressed his concerns regarding police directives when firing a weapon and asked AC Bully-Cummings her opinion.

AC Bully-Cummings stated that her opinion is based upon the policy that is approved by the Board of Police Commissioners. My expectation is that anytime a police officer uses his weapon that it is according to department policy.

Mr. Craccioholo stated I don't think you understand my question. When a police officer shoots his weapon in the line of duty, what is his intent?

AC Bully-Cummings stated that is a very difficult question for me to answer. I can't sit here and tell you what the intent of the officer is. If you are asking me for a situation that I was involved in and I have not been involved in one of those, I could respond to that. But I cannot get into the mind of the member at the time that he is faced with that situation.

Mr. Craccioholo stated no it is a directive that the policeman has when he fires his weapon. What is your statement on that? In testimonies of different police chiefs who have sat in these meetings have stated that when a police officer shoots his weapon, he should shoot to kill. What is your opinion on that?

Comm. Hampton stated that AC Bully-Cummings is stating the department policies and she is not on stand to be judged personally.

Mr. Craccioholo asked would you agree with that policy?

AC Bully-Cummings stated as she indicated before, the policy on when to shoot and my expectation of a police officer is for them to follow the department policy that we have.

Mr. Craccioholo asked what is that policy?

AC Bully-Cummings stated that we could give him a copy of it. She does not know it verbatim but there are very specific situations when an officer is authorized to use his firearm.

Mr. Craccioholo stated that he has heard from (2) two police chiefs and was reiterated by the ex-mayor that when an officer shoots his weapon, he should shoot to kill. That is the directive that he has heard.

Mr. Craccioholo stated that he has a pacemaker and was concerned about the use of the Taser and the effects it would have on a pacemaker. He inquired as to which taser device would be used. He requested that when a decision is made that a public forum would be held.

Comm. Hampton that we will have a public forum and invite the public as well.

Comm. Blackwell stated that he wanted to go on record stating that he did not think we were getting ready to have a public forum for even considering or contemplating whether or not we are getting ready to approve the use of the Taser. What we have is a presentation about Tasers and there has been no policy adopted as to whether or not we will even want to consider Tasers. This is not an up or down issue, we have a public hearing. If I am wrong, I need to know.

Comm. Hampton stated that what we are talking about is gathering more information so that we can make a decision if it is adopted and policies are in place based on the (inaudible)

Comm. Blackwell stated that he thought our responsibilities based on the Department of Justice (DOJ), was to look at other alternative forms of force and not just the Taser as one particular continuing force. This is just a presentation by a particular company on a particular methodology.

Comm. Norris stated that is correct. Our obligation to the consent decree is to come up with some continuum that has more than what we have. Tasers are one possibility in that continuum. We have not yet had a proposal by the Department as to what all of the elements in that continuum will be but we did

commit that before we would vote on something like Tasers, we would do something other than hear from the manufacturer about what they had to say.

Comm. Blackwell stated before the committee votes on Tasers or anything, we should to develop a policy on whether or not we are going to vote on that issue. He stated that it was clear to him by that presentation. It was very unclear whether this was in one instance compared to replacing the use of deadly force. It was clear that it was not conclusive by the examples used by the gentlemen from our police force. He stated no one is going to pull a taser when a weapon is pulled. He stated that there is a long way to go in this debate before we even get to the point. He stated as was mentioned by the speakers, not that he wanted the Chief to be shot like someone else would be shot, but certainly you will not have people to assist you or a mat thrown down before you are shot. He knows that we are on the consent decree but a rush to judgment would be devastating if in fact, we don't do our researching before we have public input.

AC Bully-Cummings stated that it is the Chief's desire and in addition to the (2) two consent decrees that we have to provide our officers with an intermediate weapon. It is not to replace the firearm nor pepper spray. Last week's presentation was just that a presentation. The Department is looking at a number of intermediate weapons including a collapsible baton. She did not want the public to believe or to walk away with the perception that because there was a presentation on the Taser, that this is the intermediate weapon of choice. That is one of many that we will be looking at and presenting not only to the Board of Police Commissioners but the Chief will be asking the Board to ensure that occurs at a public forum. But it is not to replace anything that the officers currently have. It is another option and she is sure that the public would like the police officers to have something other than a handgun and pepper spray, which does not work in a lot of instances to resolve situations where life is not taken.

Comm. Hampton stated that is our understanding and we are just following up on the Taser and making sure that we do an intense analysis with the public before any decision is made or to go to some other options.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, October 2, 2003, @ 3:00 p.m.
Police Headquarters
1300 Beaubien – Room 328-A
Detroit, MI 48226

10. ADJOURNMENT

Meeting was adjourned at 3:35 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/fyh